IN THE

Supreme Court of the United States.

OCTOBER TERM, 1902.

THE CALUMET GRAIN AND ELEVATOR COMPANY, *Appellant*, vs. THE CITY OF CHICAGO, *Appellee*.	Appeal from the Circuit Court of the United States for the Northern District of Illinois.

STATEMENT.

The questions presented in this case are in all respects the same as in the case that immediately follows it on the present calendar of this court, No. 136, in which David Mark Cummings and Grace Dunlap Kennedy are the appellants and the City of Chicago is the appellee. The appellant here is the owner of the south 300 feet, fronting on the Calumet River, of said Block 108, immediately adjoining the land owned by the appellants in No. 136, Cummings and Kennedy; it derived its title to said 300 feet by deed from Columbus R. Cummings, the father of the appellants in said No. 136; and the permit, which was issued by the Secretary of War for the building of this dock in front of said Block 108, issued both to the said Cummings and Kennedy and

to this appellant (See Exhibit A, Trans., 14); and its bill of complaint, to which the general demurrer interposed by the appellee was sustained, and which was dismissed by the court below for want of equity is identical with the bill of complaint of said Cummings and Kennedy.

The only difference in the facts of the two cases is that, while the property of the said Cummings and Kennedy is vacant, that of this appellant is occupied by a grain elevator, from which interstate and foreign commerce is in fact and for a long time has been carried on, vessels bound for other states and countries receiving their cargoes directly from its elevator. (Trans., 9.)

In view of the identity of the questions in the two cases, it has been stipulated that this and said case No. 136 of this calendar may be heard together upon the briefs filed and arguments had in said case.

For the reasons set out in our brief filed in No. 136, a reversal of the decree below is respectfully asked.

S. A. LYNDE, and
W. B. WILSON,
Counsel for Appellant.

13923